



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/588,026

11/08/2006

Hiroki Sasagawa

1019952-000215

9211

21839 7590 07/13/2007
BUCHANAN, INGERSOLL & ROONEY PC
POST OFFICE BOX 1404
ALEXANDRIA, VA 22313-1404

EXAMINER

TOTH, KAREN E

ART UNIT

PAPER NUMBER

3735

MAIL DATE

DELIVERY MODE

07/13/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/588,026	Applicant(s) SASAGAWA ET AL.	
	Examiner Karen E. Toth	Art Unit 3735	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>8/2/06, 11/8/06</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Objections

1. Claim 2 is objected to because of the following informalities: claim 2 refers to "said communication portion" – as such a component is not previously described, it is suggested that this be amended to read --a communication portion--. For the purposes of examination, the claim will be treated as such.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Inagaki (US Patent 6344025).

Regarding claim 1, Inagaki discloses a sphygmomanometer comprising a body portion with an arm band configured to surround a patient's upper arm (element 10),

Art Unit: 3735

and a remote control unit that allows remote control of the sphygmomanometer body (element 20), wherein the remote includes an operating portion that may be detachably mounted on a holding portion of the sphygmomanometer body (element 31) and a display portion for displaying a measurement result (element 21), and the control unit communicates with the sphygmomanometer body via wireless communications, whether or not it is stored in the holding position (column 4, lines 40-45).

4. Claims 1, 2, 4, and 5 are rejected under 35 U.S.C. 102(e) as being anticipated by Sano (US Patent Application Publication 2005/0187484).

Regarding claim 1, Sano discloses a sphygmomanometer comprising a body portion having an arm band configured to surround a patient's upper arm (element 1), and a remote control unit (element 20) for remotely controlling the sphygmomanometer, wherein the remote control unit includes an operating portion that is detachably mounted on a holding portion of the body (docking element 19) and has a display portion for displaying measurements (elements 22, 16), where the remote control unit communicates wirelessly with the body portion at all times (paragraphs [0026], [0047]).

Regarding claim 2, Sano further discloses that the remote control unit comprises a storage portion (elements 12, 24) that stores patient identification information, the date of the measurement, and blood pressure value trend information (figures, 3A, 3B; paragraph [0044]), where the data is obtained via a communications portion (element 11; paragraph [0020]) and displayed on the display (figures 3A, 3B).

Regarding claim 4, Sano further discloses that the display portion, when housed on the sphygmomanometer body, is configured such that a patient may read the display during measurements (see figure 2A; though Sano discloses that measurements conducted on the right arm are not conducive to seeing the display in paragraph [0046], measurements taken on a patient's left arm using the device shown in 2A would be readily visible to the patient when the remote control unit is docked).

Regarding claim 5, Sano further discloses a holding unit (element 61) for holding the sphygmomanometer body portion (cuff), where the holding unit is configured to allow measurement at an appropriate location (paragraphs [0040], [0053]).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

6. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sano in view of Henkin (US Patent 6251080).

Sano discloses all the elements of the claimed invention, as described above, and further discloses that the body portion may comprise wireless communications for communicating with the remote unit (element 35) and an operating portion for operating the body unit (column 3, lines 59-61), where the body unit operates in response to a signal sent by the remote control unit (elements 21, 22). Sano does not disclose the body portion comprising a display portion for displaying a measurement result, and a storage portion for storing data such as patient information data, date information, and blood pressure value trend information, where the remote control unit outputs an operation signal to the body portion, and the body portion generates the stored data in response to the operation signal and outputs the information to the remote control unit.

Henkin teaches a sphygmomanometer comprising a body portion (element 18) and a remote control unit (elements 48, 49), where the body portion comprises a display portion (elements 44, 102) for displaying patient data and storage for storing data (elements 64) such as patient identification, date, and blood pressure value trending (column 7, lines 27-64; column 9, lines 14-64), and that the data collected and stored in the body unit may also be transmitted to the redundant unit (column 8 line 40 to column 9 line 13), in order to allow a patient or caregiver to choose the most convenient configuration for collecting and observing data. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have made the system of Sano with additional display and storage capabilities in the body unit, as taught by

Art Unit: 3735

Henkin, in order to allow a patient or caregiver to choose the most convenient configuration for system operation.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US Patent 6432061 to Nissila, which discloses a similar invention.

US Patent Application Publication 2006/0253041 to Shin, which discloses a similar invention.

US Patent 6475153 to Khair, which discloses a similar invention.

US Patent Application Publication 2006/0079792 to Finburgh, which discloses a similar invention.

US Patent Application Publication 2005/0187484 to Sano, which discloses a similar invention.

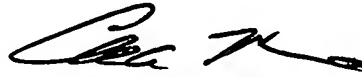
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karen E. Toth whose telephone number is 571-272-6824. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Marmor, II can be reached on 571-272-4730. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3735

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Ket


CHARLES A. MARMOR II
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700